



RINKE NOONAN
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FILED

February 14, 2011

FEB 24 2011

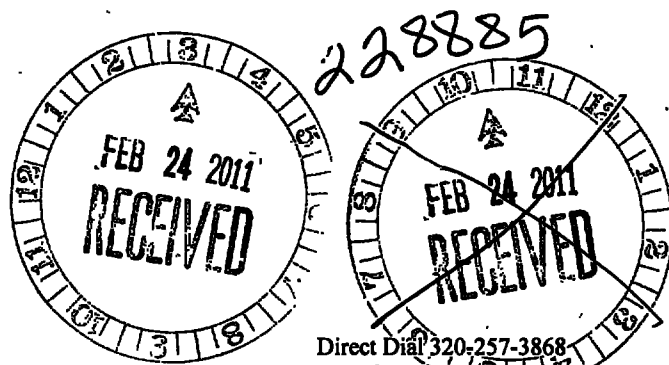
**SURFACE
TRANSPORTATION BOARD**

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

FEB 24 2011

Part of
Public Record



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FEE RECEIVED
FEB 24 2011
**SURFACE
TRANSPORTATION BOARD**

Re: BNSF Railway Abandonment in Stearns County, MN; AB-6 (Sub-No. 472X)

Dear Ms. Brown:

Our office is general counsel for the ROCORI Trail Construction Board ("RTCB"). This request is filed on behalf of the RTCB which is a joint powers entity whose members consist of the City of Rockville, the City of Cold Spring, and the City of Richmond, all located in Stearns County, Minnesota. The RTCB was created for the purpose of acquiring trail right of way, designing, constructing and funding a regional trail connecting the terminus of the Minnesota Department of Natural Resource's Glacial Lakes Trail outside of Richmond, through Cold Spring, to the northern boundary of Rockville.

RTCB supports this abandonment and requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Richmond and Rockville.

A. Public Use Condition

RTCB requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor is a logical connection between the Cities of Rockville, Cold Spring, and Richmond; the corridor extends the existing Glacial Lakes Trail which is located on a previously abandoned western portion of this same corridor; the corridor provides a practical solution for avoiding the Sauk River and Highway 23 which complicate the siting of a trail if the rail corridor is not used; the corridor runs along the scenic Sauk River, including a DNR protected heron rookery; significant planning for a trail has already been performed in anticipation of this abandonment; and a trail use is a realistic goal because the RTCB has been allocated state and federal funds for the

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creation of a trail. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with longstanding local plans. The time period sought is 180 days from the effective date of the abandonment authorization. RTCB needs this much time because the RTCB has not had an opportunity to assemble or to review title information, perform an appraisal, or commence negotiations with BNSF.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, RTCB also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the RTCB is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned BNSF and operated by Northern Lines Railroad.


The property, extends from railroad milepost 16.2 near 178th Avenue in Richmond to railroad milepost 9.2 near the Mill Creek Bridge in Rockville, a distance of seven miles in Stearns County, Minnesota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 472X). A map depicting the right-of-way is attached in Exhibit A. Of particular interest to the RTCB is the section from milepost 16.2 to approximately milepost 12.27 (Phase 1) as shown on the map in Exhibit B. The RTCB's funding is directed for the construction of a trail on Phase 1. In the event that parties with industrial property east of the Sauk River wish to preserve the tracks, ties and signal equipment, the RTCB would propose an alternate eastern terminus of milepost 13.2 for Phase 1 as shown in the Exhibit C.

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The RTCB acknowledges that use of the right-of-way is subject to the users continuing to meet is responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon BNSF and Northern Lines Railroad, by U.S. Mail, postage prepaid, first class, on February, 14, 2011.

Respectfully submitted,

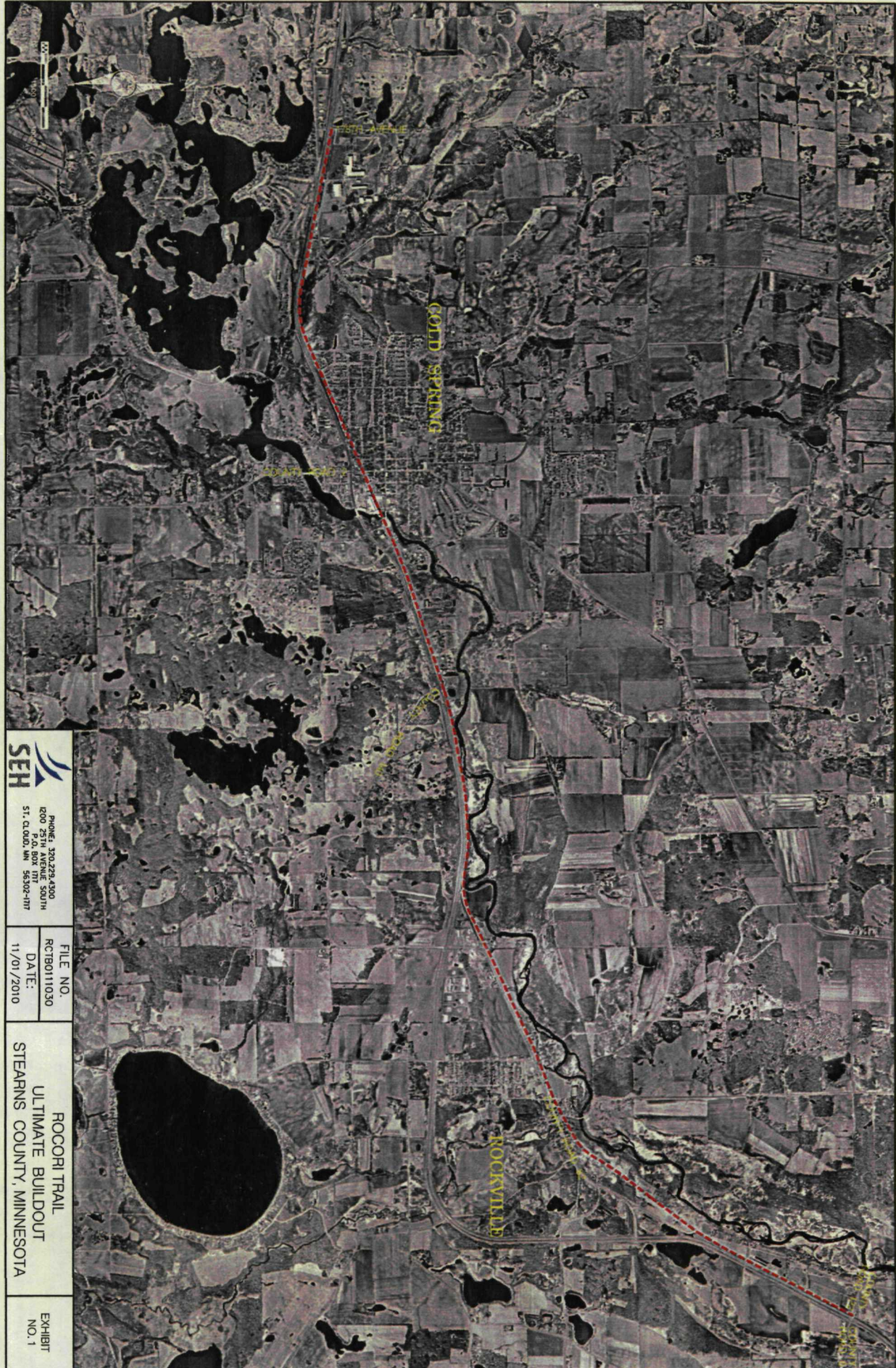


Adam A. Ripple
AAR/cmt

Attachments

- Exhibit A –Map of milepost 16.2 to milepost 9.2
- Exhibit B –Map of Phase 1
- Exhibit C –Map of Alternate Phase 1 Terminus
- \$250.00 Filing Fee (check no. 64658)

Cc: Kristy Clark (w/encls. - via mail & email - Kristy.Clark@BNSF.com)
Susan Odom (w/encls. - via email - Susan.odom@BNSF.com)
John Sims (w/encls. - via email - John.Sims@BNSF.com)
Dan Rickel (w/encls. - via email - drickel@anacostia.com)
City of Richmond (w/encls.)
City of Cold Spring (w/encls.)
City of Rockville (w/encls.)
Brenda Theis, Stearns County (w/encls.)
SEH, engineers for RTCB (w/encls. – via email - shedlund@sehinc.com)

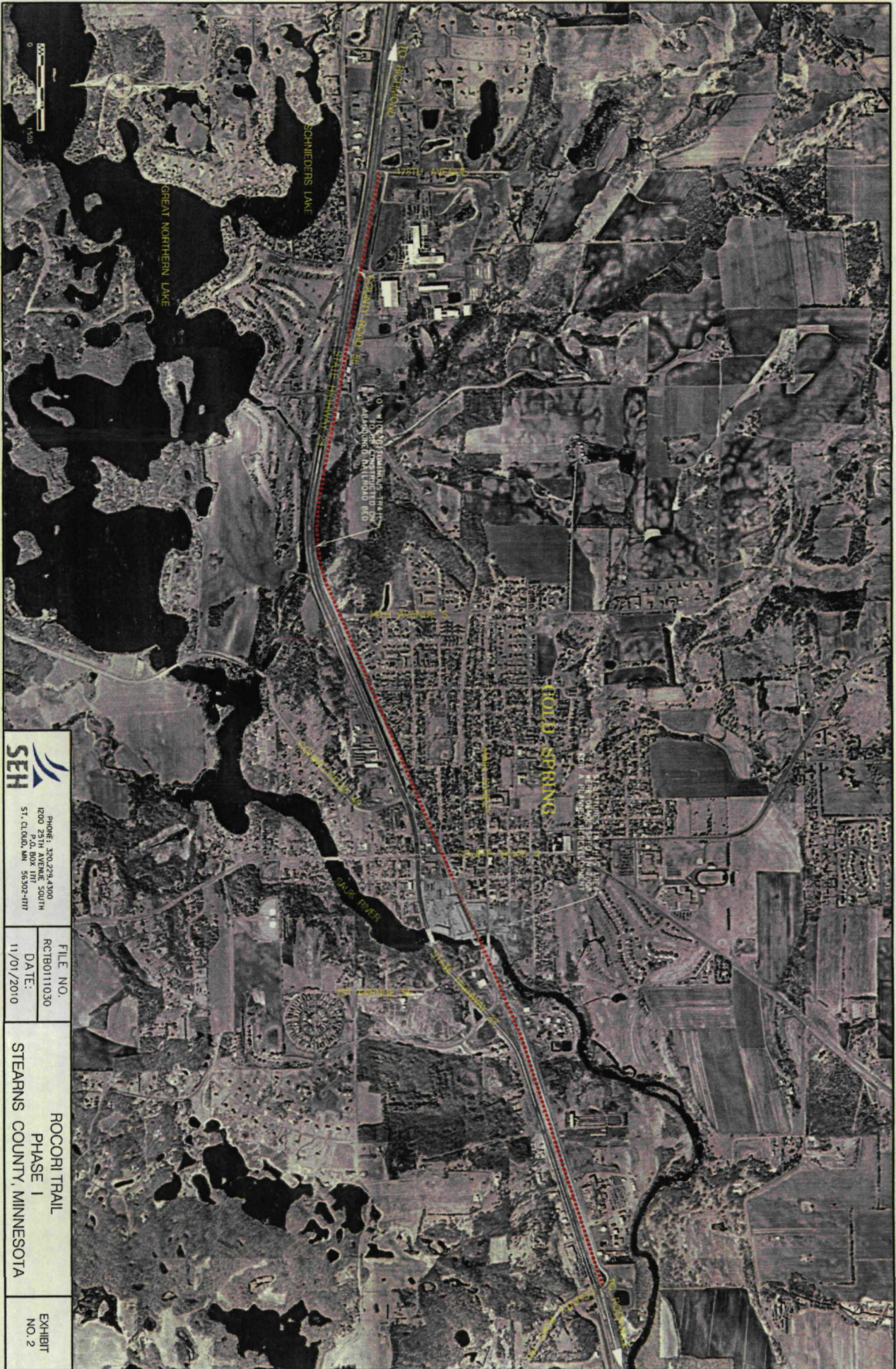


PHONE: 320.229.4300
1200 25TH AVENUE SOUTH
ST. CLOUD, MN 56302-1117

FILE NO.
RCB0111030
DATE:
11/01/2010

ROCORI TRAIL
ULTIMATE BULDOUT
STEARNS COUNTY, MINNESOTA

EXHIBIT
NO. 1




 <p>PHONE: 202.279.4500 1200 25th AVENUE, SUITE 500 ST. CLOUD, MN 56302-1177</p>	<p>FILE NO. RCTB0111020</p> <p>DATE: 11/01/2010</p>	<p>ROCORI TRAIL PHASE 1 STEARNS COUNTY, MINNESOTA</p>	<p>EXHIBIT NO. 2</p>
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EXHIBIT C

